

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LAMONT BROUSSARD,

Plaintiff,

v.

PIERCE COUNTY JAIL *et al.*,

Defendants.

Case No. C04-5620RJB

ORDER

This 42 U.S.C. § 1983 Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Plaintiff has been granted leave to proceed *in forma pauperis*. Plaintiff asks to extend the time for discovery and for appointment of counsel. (Dkt. # 47 through 49) Defendants oppose the motion. (Dkt. # 52).

Plaintiff asks for additional time to conduct discovery but fails to explain why the original six month time frame was inadequate. (Dkt. # 47). Defendants note that initial disclosures were made and plaintiff has actively pursued discovery in this action. (Dkt. # 52). The motion is **DENIED**.

Plaintiff also asks for appointment of counsel. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request

ORDER

1 counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional
2 circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy,
3 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of
4 exceptional circumstances requires an evaluation of both the likelihood of success on the merits and
5 the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues
6 involved. Wilborn, 789 F.2d at 1331.

7 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover, it
8 appears that this case does not involve exceptional circumstances which warrant appointment of
9 counsel. Accordingly, Plaintiff's Motion to Appoint Counsel (Dkt. # 48) is **DENIED**.

10 The Clerk is directed to serve a copy of this order on plaintiff and counsel for defendants.

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12 DATED this 15th day of November, 2005.

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14 /s/ J. Kelley Arnold
15 J. Kelley Arnold
16 United States Magistrate Judge
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28 ORDER